

PROPOSED AMENDMENT TO THE MARTIN COUNTY COMPREHENSIVE GROWTH MANAGEMENT PLAN

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REQUEST NUMBER: CPA 19-5, KL Waterside, LLC (fka Neill Parcels), Text

Report Issuance Date: September 10, 2020

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PUBLIC HEARINGS:

Local Planning Agency:	September 17, 2020
Board of County Commission Transmittal:	October 13, 2020
Board of County Commission Adoption:	TBD

APPLICANT REQUESTS:

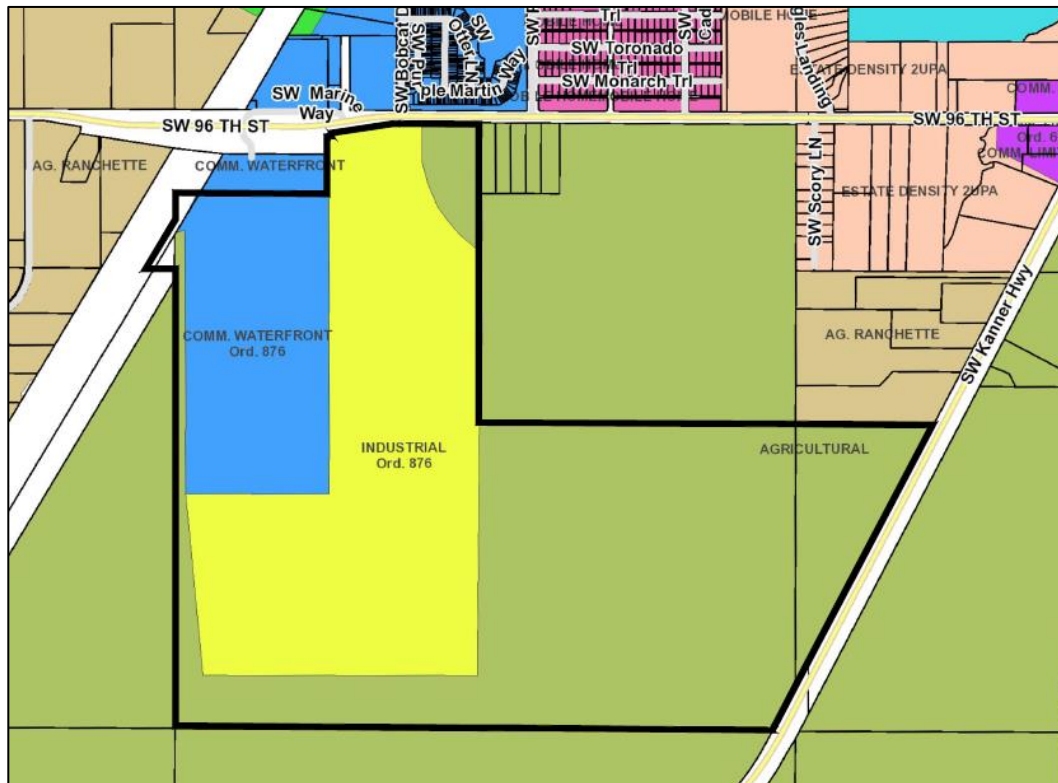
This is a request for text amendments to Chapter 4, Future Land Use Element. The application also includes amendments to Figure 4-2 Urban Service Districts retracting the Primary Urban Service District (PUSD); creating a Freestanding Industrial Urban Service District; and changing Figures 11-1, Areas Currently Served by Regional Utilities and 11-2, Potential Service Areas. The changes to Figures 11-1 and 11-2 are considered text amendments to Chapter 11, Potable Water Services Element/10 Year Water Supply Facilities Work Plan.

The application name has changed from CPA 19-5, Neill Property, to CPA 19-5, KL Waterside and the Official Record Book reference has changed since the property has been sold to the new applicant.

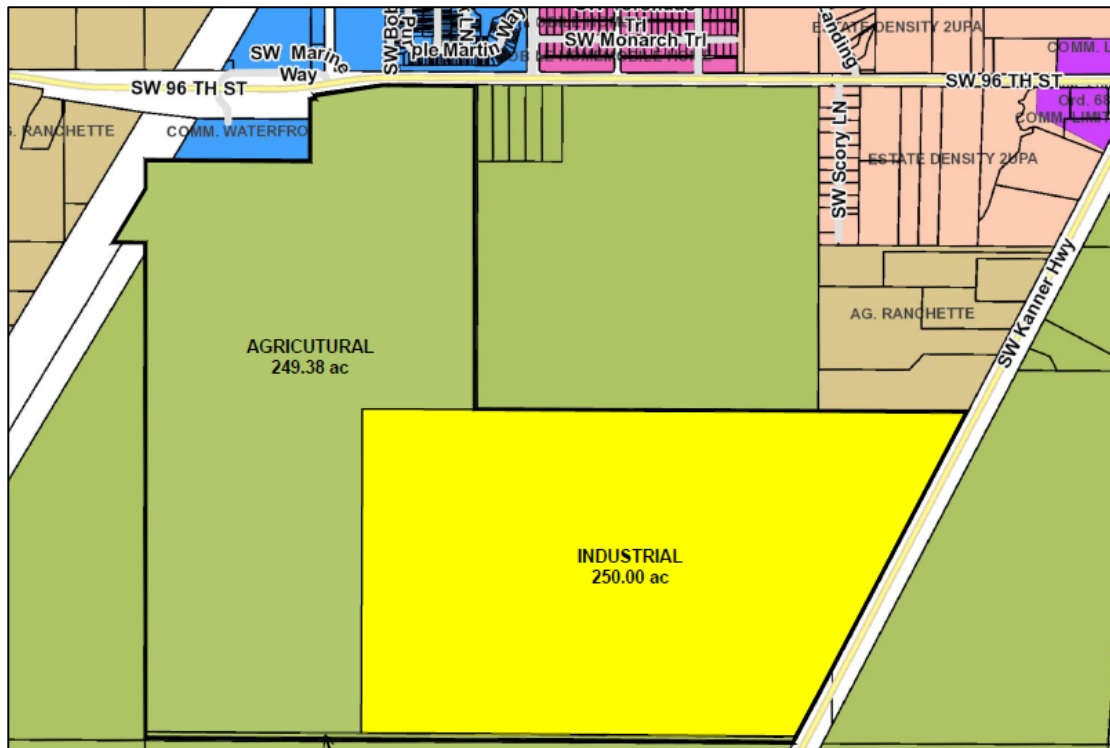
EXECUTIVE SUMMARY

With the companion amendment CPA 19-6, the proposed Future Land Use Map (FLUM) amendment relocates 250 acres of Industrial to face Kanner Highway. The existing 175.4 acres of Industrial and 74.9 acres of Commercial Waterfront will revert back to the Agricultural future land use designation, outside of the Primary Urban Service District with no urban services available. This is a relocation, or exchange, of the Industrial future land use with the Agricultural future land use within the subject property. There will be no net loss of Agricultural land and no increase in urban uses or urban services than exists today.

Existing FLUM

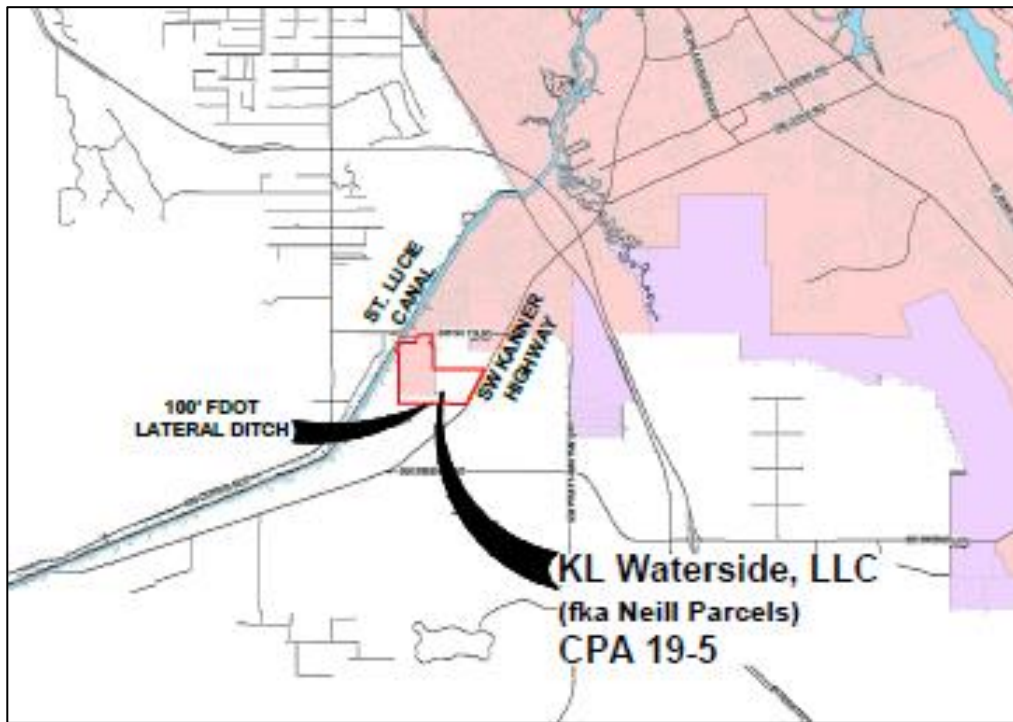


Proposed FLUM

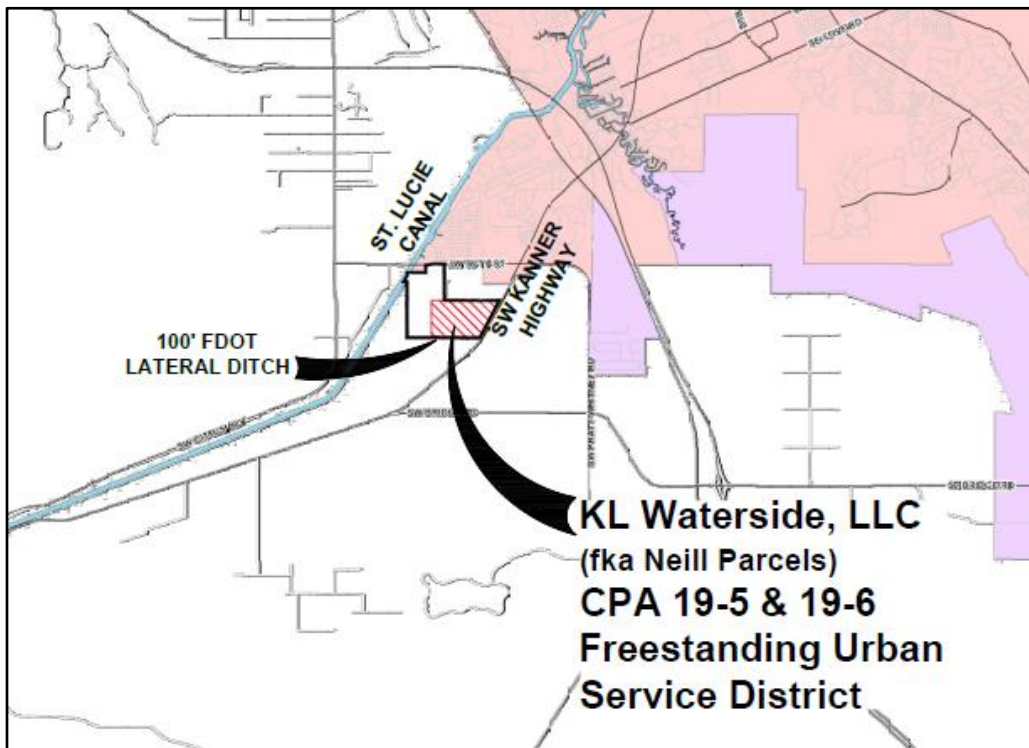


The first part of the text amendment proposes to change Figure 4-2, the Urban Service Districts Map. Approximately 250.3 acres of the 499.4-acre KL Waterside, LLC property are currently within the PUSD. The proposed amendment to Figure 4-2 would retract 250.3 acres of the PUSD and relocate the Industrial land use to face Kanner Highway to implement the policy text. For internal consistency, changes to Figure 11-1, Areas Currently Served by Regional Utilities, and Figure 11-2, Potential Service Areas, are also being proposed to match the changes to Figure 4-2.

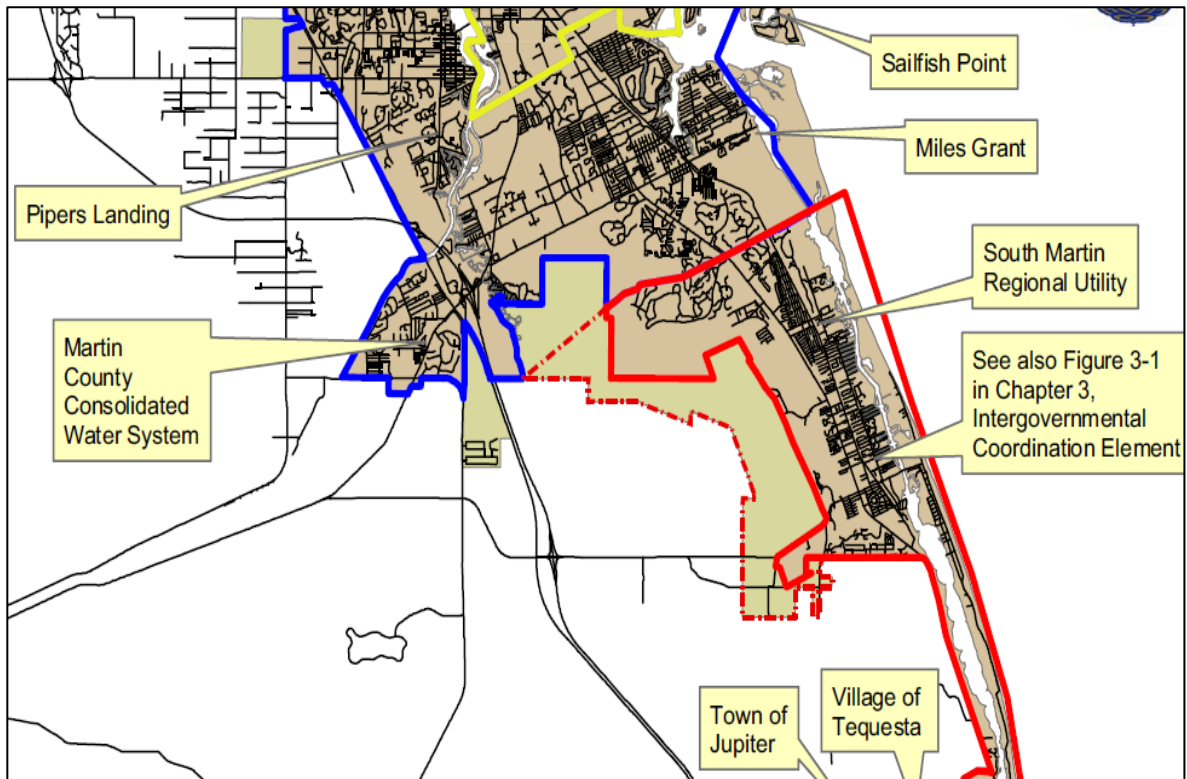
Excerpt of Existing Figure 4-2, Urban Service Districts



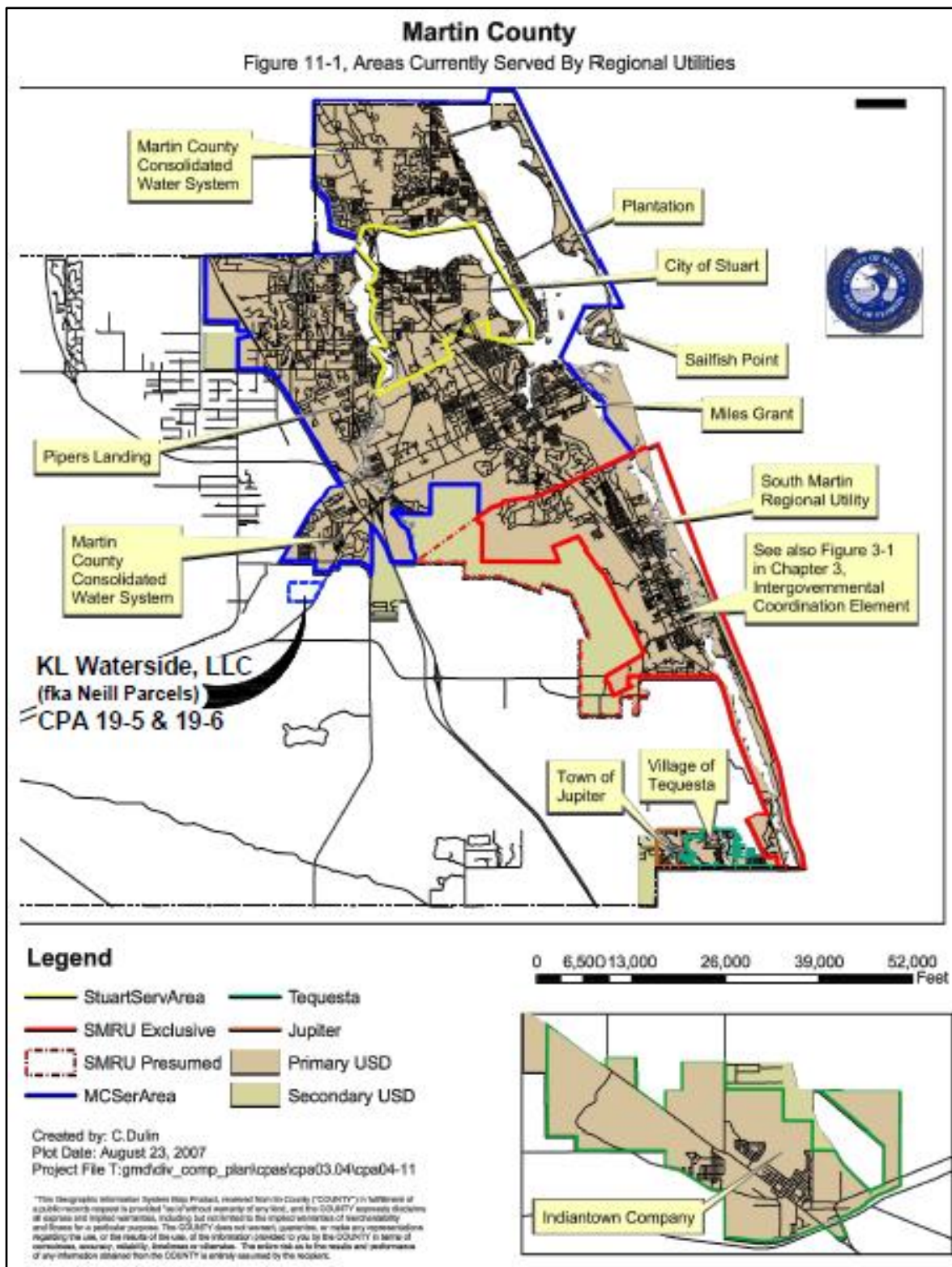
Excerpt of Proposed Figure 4-2, Urban Service Districts



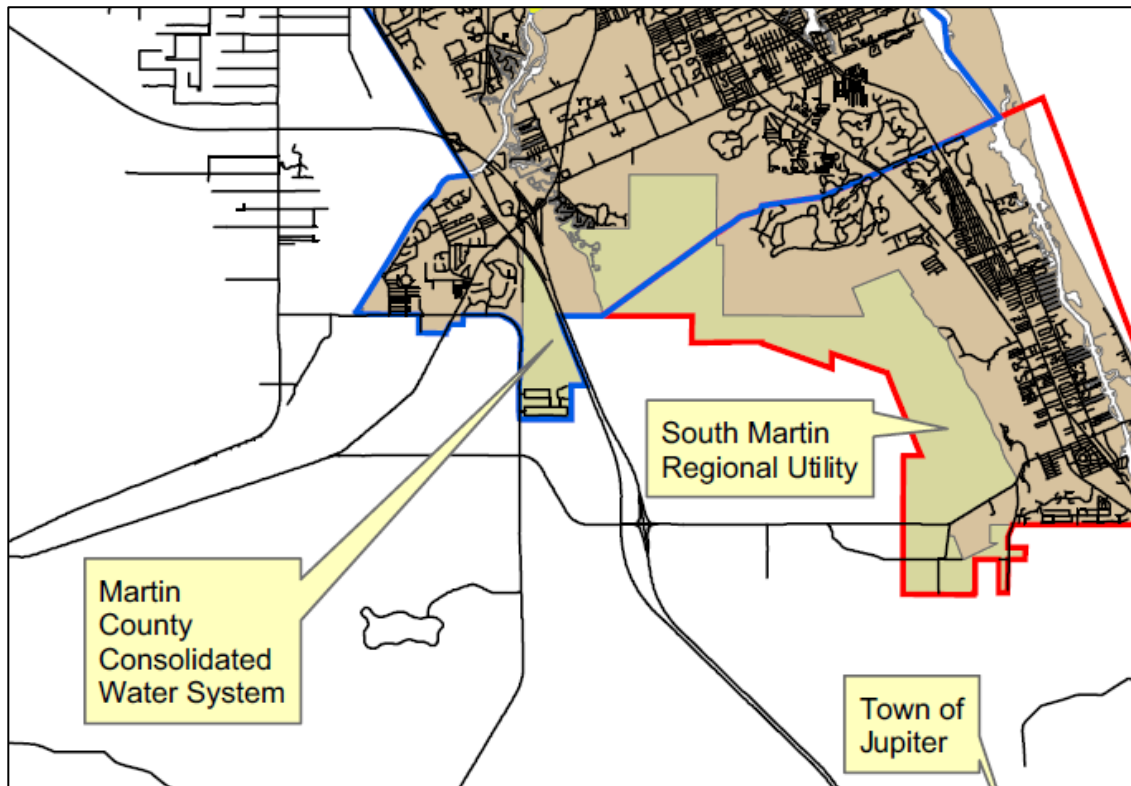
Excerpt of Existing Figure 11-1, Areas Currently Served by Regional Utilities



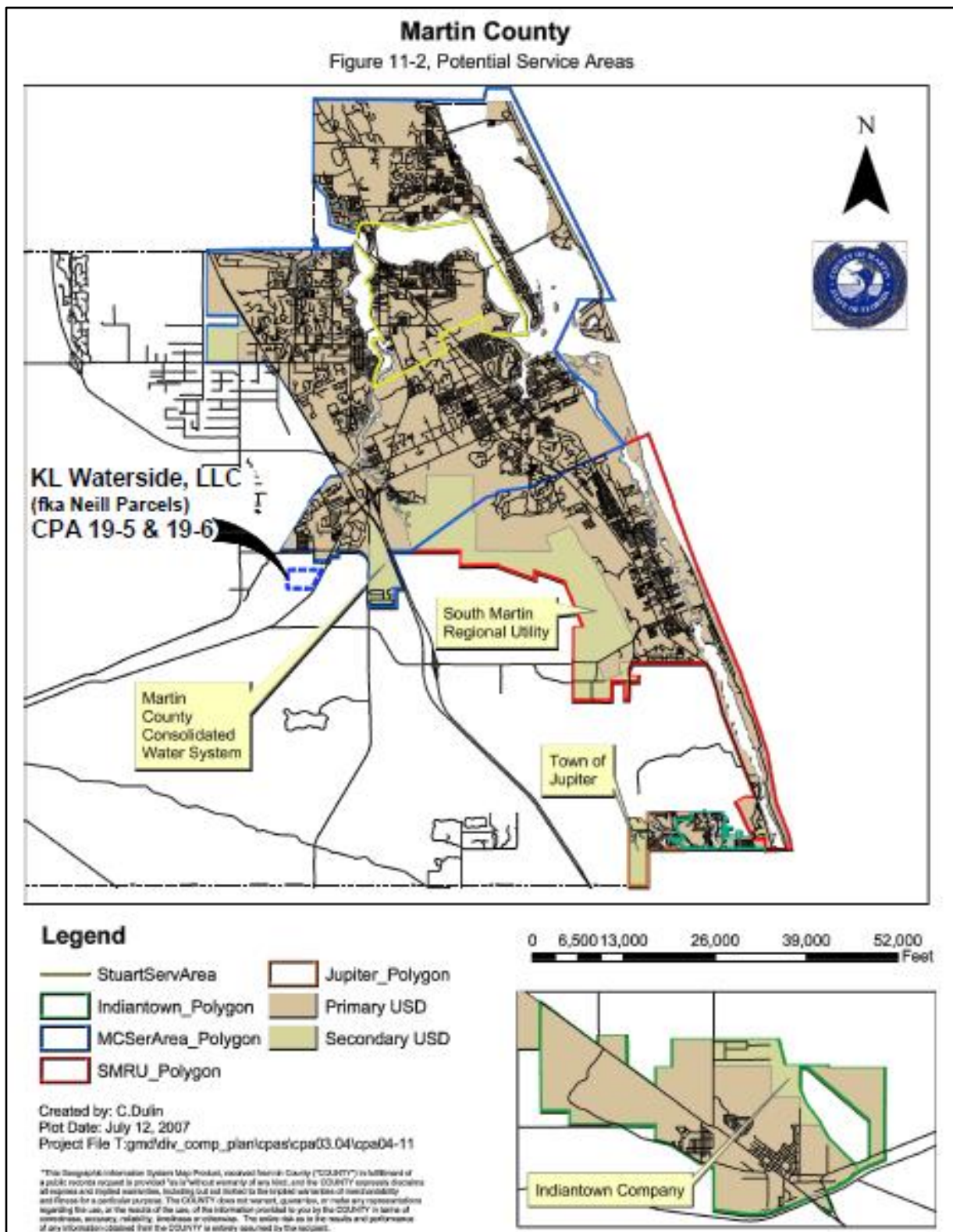
Proposed Figure 11-1, Areas Currently Served By Regional Utilities



Excerpt of Existing Figure 11-2, Potential Service Areas



Proposed Figure 11-2, Potential Service Areas



The request proposes changes to Policy 4.13A.10 to create a Freestanding Urban Service District, as shown on Figure 4-2. *Policy 4.13A.10. Industrial development* has long permitted Freestanding Urban Service Districts and the policy has previously been amended to identify Seven Js and AgTEC as Freestanding Urban Service Districts. An amendment to Policy 4.7A.14., *Allowable Development outside the Primary Urban Service District* has been proposed to extend centralized water and sewer service to the Freestanding Urban Service District.

The text amendment involves amending Policy 4.1B.2. The subsections that follow Policy 4.1B.2 are known as “sub-area policies” because they are text amendments that apply to specific parcels within the unincorporated Martin County. Other policies being amended are Policy 4.7A.3 and Policy 4.7A.3.1 for internal consistency.

STAFF ANALYSIS

Part I. Amendments to Figure 4-2 Urban Service Districts, Figure 11-1, Areas Currently Served by Regional Utilities, and Figure 11-2, Potential Service Areas.

As shown in the maps in the Executive Summary, a Freestanding Urban Service District is being proposed on Figure 4-2, Figures 11-1 and 11-2. The Freestanding Urban Service District would only apply to the 250 acres of the proposed Industrial future land use. It will not be applicable to the Agricultural future land use that is also located within the property described in OR Book 3124, Page 1023. It should be noted, the Official Record Book reference has changed since the property has been sold to the new applicant. The retraction of PUSD provides for what can be considered an “exchange” of locations of urban services. There will be no net loss of Agricultural land and no increase in urban uses or urban services than exists today.

Policy 4.13A.10 allows for the creation of freestanding urban service districts to provide for regional utilities for groups of industrial users in areas outside the PUSD. This has been applied for Seven J’s Industrial Area and the AgTEC future land use. Policy 4.13A.10 puts a high priority for accessibility to major arterials and interchanges. The retraction of the PUSD and the proposed Freestanding Urban Service District would better locate industrial uses to Kanner Highway (a major arterial), rather than load traffic trips onto SW 96th Street (a minor arterial). Industrial uses would be better located closer to the I-95 interchanges at Kanner Highway and Bridge Road.

“The allocation process gives high priority to industry's need for lands accessible to rail facilities, major arterials or interchanges, labor markets and the services of the Primary Urban Service District (Figure 4-2). Industrial development includes both Limited Impact and Extensive Impact Industries. Limited Impact Industries include research and development, light assembly and manufacturing. Extensive Impact Industries include heavy assembly plants, manufacturing/processing plants, fabricators of metal products, steam/electricity co-generation plants and uses customarily associated with airports.” Martin County, Fla., Comprehensive Growth Management Plan, Policy 4.13A.10. (2018).

Below is the proposed text change to establish the Freestanding Urban Service District:

Policy 4.13A.10. Industrial development. The FLUM allocates land resources for existing and anticipated future industrial development needs. The allocation process gives high priority to industry's need for lands accessible to rail facilities, major

arterials or interchanges, labor markets and the services of the Primary Urban Service District (Figure 4-2). Industrial development includes both Limited Impact and Extensive Impact Industries. Limited Impact Industries include research and development, light assembly and manufacturing. Extensive Impact Industries include heavy assembly plants, manufacturing/processing plants, fabricators of metal products, steam/electricity co-generation plants and uses customarily associated with airports.

Private development of airport property shall be subject to an Airport Zoning District or Planned Unit Development (Airport) Zoning District, when such a district is adopted to implement this policy.

The locational criteria require that all development in areas designated Industrial shall provide assurances that regional water distribution and wastewater collection utilities shall be provided by a regional public utility system, as described in the Sanitary Sewer Services Element and the Potable Water Services Element. Areas of the County where freestanding urban services (i.e., regional utility system) can be provided by a group of industrial users may be considered as independent or freestanding urban service districts. They may be illustrated as such on Figure 4-2 in conjunction with formal amendments to the FLUM as provided in section 1.11, Amendment Procedures. All such freestanding urban service districts must comply with the adopted LOS standards in this Plan and the Capital Improvements Element.

The Seven Js Industrial Area (which covers the same area as the plat of Seven Js Subdivision, recorded in Plat Book 15, Page 97 of the Public Records of Martin County, Florida) is hereby established as a Freestanding Urban Service District. Any package wastewater treatment plants constructed in it shall be fully funded and maintained by the landowner.

The AgTEC future land use category is hereby established as a Freestanding Urban Service District.

The Industrial land use category on the tract of real property described in the Warranty Deed recorded in OR Book 3124, Page 1023, Public Records of Martin County, Florida, is hereby established as a Freestanding Urban Service District.

Industrially designated areas are not generally adaptive to residential use, and they shall not be located in areas designated for residential development unless planned for in a mixed-use development allowed under Goal 4.3 or in a large-scale PUD.

This provision shall not prohibit residences for night watchmen or custodians whose presence on industrial sites is necessary for security purposes. Such a use may be permitted through the Land Development Regulations.

Residential use is permitted in the Industrial future land use designation as part of a mixed-use project in a CRA, pursuant to Policy 18.2G.1. or Policy 18.3A.2.(1), except as restricted by the LDR. Residential densities shall not exceed 15 dwelling units per acre and may be further limited in the LDR.

Based on the extensive impacts that industrial development frequently generates, industrial development shall be encouraged to develop under provisions of a PUD

zoning district to give the applicant maximum design flexibility and to avoid major unanticipated adverse impacts.

The Land Development Regulations shall be amended to include performance standards for regulating the nuisance impacts sometimes associated with intense commercial and industrial development. Sites acceptable for development by limited impact industries shall contain a minimum of 15,000 square feet, maximum building coverage of 40 percent and maximum building height of 30 feet. Sites better suited for development by extensive impact industries shall have a minimum lot size of 30,000 square feet, maximum building coverage of 50 percent and maximum building height of 40 feet. Minimum open space for either use shall be 20 percent. The FAR shall be governed by the parking standards of the Land Development Regulations. Salvage yards shall be considered an industrial use due to the potential intensity and nature of the use, acreage requirements, aesthetic impact and associated heavy truck traffic.

Policy 4.7A.7 provides criteria for considering the alteration of the PUSD.

Policy 4.7A.7. Allowed alterations to the Primary Urban Service District boundary. The Primary Urban Service District boundaries delineated on Figure 4-2 (Urban Services District Boundary Map) are intended to separate urban from nonurban areas. The land uses and intensity of development permitted in the Primary Urban Service District and development in the district must have all public facilities and services at adopted LOS standards. Therefore, during consideration of any expansion, creation or contraction of these boundaries through the plan amendment process, the Board of County Commissioners must find that the requested alteration to the Primary Urban Service District boundary will:

(1) Not create any internal inconsistency with other elements of the adopted CGMP;

Staff analysis: The retraction of the PUSD does not create any internal inconsistency with other elements of the adopted CGMP. Approximately, the same public services will be provided to the Freestanding Urban Service District as provided to the existing land in the PUSD.

(2) Not result in incompatibilities with adjacent land uses;

Staff analysis: The retraction of the PUSD does result in incompatibilities with adjacent land. The existing Primary Urban Service District on the site is adjacent to Agricultural lands. The proposed Freestanding Urban Service District will be adjacent to Agricultural and Agricultural Ranchette lands and adjacent to a major arterial road, SW Kanner Hwy. (State Road 76).

(3) Not adversely impact environmental, natural, historical or archaeological resources, features or systems to a degree that is inconsistent with this Plan;

Staff analysis: Neither the application materials nor staff analysis has identified any adverse impacts to the environment, natural, historical or archaeological resources, features or systems.

(4) Be consistent with Goal 4.9 relating to appropriate residential land use capacities;

Staff analysis: There are no residential land uses being proposed.

- (5) *Demonstrate that reasonable capacity does not exist on suitable land in the existing Primary Urban Service District for the 15-year planning period. For the purpose of this subsection, "reasonable" means available for development from the standpoint of environmental concerns, efficient use and expansion of public facilities and services, or availability of development sites in relationship to the projected needs of the population;*

Staff analysis: Approximately, the same public services will be provided to the Freestanding Urban Service District as provided to the existing land in the PUSD. It retracts the PUSD and creates a Freestanding Urban Service District within the same property.

- (6) *Demonstrate that the land affected is suitable for urban uses; at a minimum, unsuitable uses include environmentally sensitive areas (to the degree they are protected by this Plan), prime agricultural areas, prime groundwater recharge areas and critical habitat for endangered or threatened species. This criterion is not intended to preclude development of surrounding lands provided that the unsuitable areas are fully protected;*

Staff analysis: This amendment relocates the comparable urban uses to another portion of the same property.

- (7) *Demonstrate that the full range of urban public facilities and services can be economically and efficiently supplied at the adopted LOS standards; and*

Staff analysis: Approximately, the same public services and facilities will be provided to the Freestanding Urban Service District as provided to the existing land in the PUSD.

- (8) *Be consistent with the adopted Capital Improvements Element.*

Staff analysis: Subsection (7) above discusses the need for public facilities. Approximately the same public services will be provided, therefore it is consistent with the Capital Improvements Element. It relocates the existing urban uses to another portion of the property.

Part II Policy Changes

The text in Policy 4.13A.10 allows a group of industrial property owners to create a utility system to serve a Freestanding Urban Service District. Instead, this property can obtain services from Martin County Utilities which has water and sewer lines at SW 96th Street. The distance from SW 96th Street to the south side of this property is comparable to the distance from SW 96th Street to the south end of the industrial property currently found on the Future Land Use Map. Policy 10.1E.1 of Chapter 10, Sanitary Sewer Services and Policy 11.1A.1 in Chapter 11, Potable Water Services bans the creation of new package treatment plants. The proposed Freestanding Urban Service District will have approximately demand for water or sewer service as the existing PUSD on the site today.

The following policies are proposed for revision.

- Policy 4.7A.14
- Policy 4.7A.3
- Policy 4.7A.3.1
- Policy 4.1B.2

The policies provide exceptions to the general prohibitions on development outside of the Primary Urban Service District. The text changes would allow the property to be one of those exceptions. The Industrial future land use is 250 acres of the 499.4-acre parcel. The remaining 249.4 acres will be Agricultural, with no urban services available. There will be no increase in urban services or urban uses from what exists today. Subsection (2) and Subsection (4) in the following policy refer to the AgTEC and the Seven J's Freestanding Urban Service Districts.

The proposed amendment to Policy 4.7A.14. is shown below.

Policy 4.7A.14. Allowable development outside the Primary Urban Service District. The following forms of development are recognized exceptions to the general prohibitions on development outside of the Primary Urban Service District set forth in Policies 4.7A.1. through 4.7A.13.:

- (1) The County landfill, parcel number 07-38-40-000-000-00020-7.*
- (2) The AgTEC land use category as set forth in Policy 4.13A.9.*
- (3) Facilities in Jonathan Dickinson State Park, as set forth in Policy 10.1A.7. and Policy 11.1C.10.*
- (4) Seven J's Industrial Area, as recorded in Plat Book 15, Page 97 and/or any replat or redevelopment of the property contained within the plat recorded in Plat Book 15, Page 97.*
- (5) Martingale Commons PUD f/k/a Palm City 95 PUD.*
- (6) Sheriff's Shooting Range, parcel number 07-38-40-000-000-00030-5.*
- (7) Parcel number 28-40-42-000-000-00020-5, parcel number 28-40-42-000-000-00040-1, parcel number 28-42-000-000-00011-0, and parcel number 21-40-42-004-000-00005-0 on S.E. Island Way.*
- (8) The 107-acre parcel of County owned land located on the north side of SW Citrus Boulevard, approximately 2,000 feet east of the Indiantown airport, parcel number 03-40-39-000-000-00011-0 and parcel number 34-39-39-000-000-00021-0.*
- (9) The Industrial land use category on the tract of real property described in the Warranty Deed recorded in OR Book 3124, Page 1023, Public Records of Martin County, Florida.*

The proposed amendment to Policy 4.7A.3. also provides an exception to the prohibition of urban services outside the PUSD. The changes are shown below:

Policy 4.7A.3. Exceptions to location in the Primary Urban Service District. All future development of a use or intensity that requires public urban facilities, including water

and sewer, will be permitted only in the Primary Urban Service District. The only exceptions are for the currently approved developments below:

- (1) Jonathan Dickinson State Park, as contained in Policy 10.1A.7. and Policy 11.1C.10.;*
- (2) Lots 67, 68, 75, 89, 90, 119 through 122 and lots 191 through 220 of Canopy Creek PUD (f/k/a Tusawilla PUD as recorded in Plat Book 16, Pages 039-001 to 039-036, Public Records of Martin County, Florida).*
- (3) Bridgewater Preserve as recorded in Plat Book 16, Pages 033-001 to 033-007, Public Records of Martin County, Florida. Any increase in residential density shall require approval by the Board of County Commissioners for a PUD Zoning Agreement and revised master/final site plan which is consistent with the Rural Density future land use designation and requires that the project connect to the existing potable water and sanitary sewer lines.*
- (4) Seven J's Industrial Subdivision, as recorded in Plat Book 15, Page 97 and/or any replat or redevelopment of the property contained within the plat recorded in Plat Book 15, Page 97.*
- (5) The County landfill, parcel number 07-38-40-000-000-00020-7.*
- (6) Martingale Commons PUD f/k/a Palm City 95 PUD.*
- (7) Sheriff's Shooting Range, parcel number 08-38-40-000-000-00011-0.*
- (8) Parcel number 28-40-42-000-000-00020-5, parcel number 28-40-42-000-000-00040-1, parcel number 28-42-000-000-00011-0, and parcel number 21-40-42-004-000-00005-0 on S.E. Island Way.*
- (9) The Industrial land use category on the tract of real property described in the Warranty Deed recorded in OR Book 3124, Page 1023, Public Records of Martin County, Florida.*

For consistency, the proposed amendment to Policy 4.7A.3.1. is shown below:

Policy 4.7A.3.1. All future development of a use or intensity that requires public urban facilities, including water and sewer, will be permitted only within the Primary Urban Service District, except the following facilities may be served with water and sewer service:

- (1) The Martin Correctional Institution, consistent with an interlocal agreement between Martin County, the City of Port St. Lucie and the Florida Department of Corrections for service to be provided by the City of Port St. Lucie.*
- (2) The 107-acre parcel of County owned land located on the north side of SW Citrus Boulevard, approximately 2,000 feet east of the Indiantown airport, parcel number 03-40-39-000-000-00011-0 and parcel number 34-39-39-000-000-00021-0.*
- (3) The Industrial land use category on the tract of real property described in the Warranty Deed recorded in OR Book 3124, Page 1023, Public Records of Martin County, Florida.*

The text of Policy 4.1B.2.(2) shown below was adopted in 2010 when the 7th Edition Future Land Use

Map was amended and the PUSD extended within the subject property. At that time the restrictions listed below were placed on the property to limit impacts on public facilities. The Official Record Book reference is proposed for change since the property has been sold to the new applicant.

The proposed amendment to Policy 4.1B.2. is shown below:

Policy 4.1B.2. Analysis of availability of public facilities. All requests for amendments to the FLUMs shall include a general analysis of (1) the availability and adequacy of public facilities and (2) the level of services required for public facilities in the proposed land uses. This analysis shall address, at a minimum, the availability of category A and category C service facilities as defined in the Capital Improvements Element. No amendment shall be approved unless present or planned public facilities and services will be capable of meeting the adopted LOS standards of this Plan for the proposed land uses. The Capital Improvements Element or other relevant plan provisions and the FLUMs may be amended concurrently to satisfy this criterion. The intent of this provision is to ensure that the elements of the CGMP remain internally consistent.

Compliance with this provision is in addition to, not in lieu of, compliance with the provisions of Martin County's Concurrency Management System. When a map amendment is granted under this provision, it does not confer any vested rights and will not stop the County from denying subsequent requests for development orders based on the application of a concurrency review at the time such orders are sought.

Martin County may adopt sub-area development restrictions for a particular site where public facilities and services, such as arterial and collector roads, regional water supply, regional wastewater treatment/disposal, surface water management, solid waste collection/disposal, parks and recreational facilities, and schools, are constrained and incapable of meeting the needs of the site if developed to the fullest capacity allowed under Goal 4.13 of this Growth Management Plan. The master or final site plan for a site that is subject to such sub-area development restrictions shall specify the maximum amount and type of development allowed. Sub-area development restrictions apply to the following sites:

- (1) The tract of real property described in the Warranty Deed recorded at OR Book 2157, Page 2403, of the Public Records of Martin County, which is limited to 365,904 square feet of nonresidential use, consistent with the assigned future land use designation, and on which residential uses shall not be allowed.
- (2) The development of the tract of real property described in the Warranty Deed recorded in OR Book ~~2239~~3124, Page ~~2498~~1023, Public Records of Martin County, Florida, shall be restricted and managed as follows:
 - (a) Uses on the subject property shall be limited to nonresidential uses. Residential uses shall not be permitted.
 - (b) Uses on the property shall be consistent with the future land use designations for the property and the applicable land use policies of the Martin County Comprehensive Growth Management Plan (CGMP).

- (c) ~~The maximum intensities of uses on the subject property contained within a building or buildings shall not exceed 1,600,000 square feet. The net inbound AM peak hour trips generated by all uses shall be limited to 950 trips.~~
- (d) All future applications for development approval within the Industrial future land use category shall be processed as a Planned Unit Development (PUD) or as a major or minor development pursuant to the LI zoning district.
- (e) ~~The maximum intensities of all uses contained within a building or buildings shall not exceed 500,000 square feet on the subject property (of which up to 25,000 square feet may be in marina uses) prior to December 1, 2015. Warehouse and distribution facilities shall be allowed a building footprint up to 1,050,000 square feet.~~
- (f) Notwithstanding Policies 2.1A.1(3) and Policy 4.13A.10, warehouse and distribution facilities shall be allowed a maximum building height of 47 feet. Only nonhabitable structures shall be allowed above 40 feet.
- (g) Truck traffic generated by the Industrial future land use category shall be prohibited from entering or exiting the subject property from SW 96th Street.

Analysis of subsections (c) through (g).

As stated in Policy 4.1B.2, any master or final site plan for a site would be bound by the restrictions in the language above.

The text from Policy 4.1B.2(c) identifies a specific number of trips instead of a building square footage: The net inbound AM peak hour trips generated by all uses shall be limited to 950 trips. It provides better predictability for traffic conditions than the existing square footage language. However, the LPA recommended that this text should be further clarified. Staff proposes the following language: The net inbound AM peak hour trips generated by all uses on the subject property shall be limited to 950 trips, as demonstrated during the submittal of a final site plan by the requirements set forth in the Martin County Land Development Regulations Article 5, Adequate Public Facilities, Division 3, Traffic Impact Analysis.

This language recognizes the existing requirements set forth in the Comprehensive Plan and the Land Development Regulations to ensure that adequate public facilities are available at the time of final site plan for the subject property. A traffic analysis will be required for proposed uses and the potential trips. Policy 5.2A.2 and Policy 5.2A.6 are shown below. A future site plan application must comply with the following policies:

Policy 5.2A.2. Ensure roadway capacity is available. The County shall pursue implementation of development agreements or planned unit developments and other mechanisms to help ensure that road projects are constructed and adequate roadway capacity is available to accommodate the impacts of new development.

Policy 5.2A.6. Require a transportation analysis. A transportation analysis in accordance with Article 5 of the Land Development Regulations shall be provided by all proposed residential and nonresidential developments.

The proposed sub-area Policy 4.1B.2(d) states: “All future applications for development approval within the Industrial future land use category shall be processed as a Planned Unit Development (PUD) or as a major or minor development pursuant to the LI zoning district.” The existing policy requires the Industrial and Waterfront Commercial future land uses develop with a PUD zoning district. The Industrial future land use designation permits both limited impact and extensive impact industries. Only limited impact industries are allowed in the proposed LI zoning district. The proposed text allows for the option of developing the entire site with the LI zoning district. It would then be restricted to a 30-foot building height and maximum building coverage of 40 percent.

Staff recommends that any application for development in the Industrial future land use designation on this property be processed as a PUD. A PUD zoning district would allow for extensive or limited impact uses. A PUD would provide for greater flexibility in the zoning and development standards and allow the Board of County Commissioners to require additional benefits such as extra buffering or open space. Plan Policy 4.13A.10 contains the following text:

“Based on the extensive impacts that industrial development frequently generates, industrial development shall be encouraged to develop under provisions of a PUD zoning district to give the applicant maximum design flexibility and to avoid major unanticipated adverse impacts.”

Policy 4.1B.2(e) has an outdated reference. The new language provides for restrictions for warehouse and distribution facilities. The cap on square footage applies just to the warehouse and distribution facilities. All other development permitted in the Industrial future land use designation would be possible on the balance of the land and the Freestanding Urban Service District.

The 47-foot building height in Policy 4.1B.2(f) applies only to the warehouse and distribution facilities. All other development in the Industrial future land use and the Freestanding Urban Service District on this site would be limited to either the building height permitted by the LI zoning district or a PUD zoning district.

The 47-foot building height proposed for warehouse and distribution facilities is not exactly the same to exceptions for agricultural or industrial processes found in Article 3, Section 3.14.B of the Land Development Regulations, which provides for exceptions to the 40-foot building height restriction:

“5. Nonhabitable structures used exclusively for agricultural or industrial processes or for protective and emergency service uses may exceed the height limitation set forth in Table 3.12.1 by up to 50 percent, subject to approval of the Growth Management Director, provided that the resulting height is no higher than 60 feet. Such nonhabitable structures constructed after January 1, 2005, may be allowed to exceed 60 feet at the discretion of the Board of County Commissioners, provided that such development is approved by way of a major development pursuant to article 10 of the Land Development Regulations.”

The LDR exception quoted above refers to nonhabitable **structures** used exclusively in agricultural and industrial processes such as the smokestack at the Florida Power and Light plant in Indiantown. The exception would appear to be the whole proposed building, bottom to top. It does not provide for circumstances where the upper level of a habitable structure is nonhabitable. The LPA asked for further

clarification. Following the LPA meeting, the applicant added the following sentence: “Only nonhabitable structures shall be allowed above 40 feet.” It is not clear how the upper portion of a structure will be nonhabitable and the lower section will be habitable.

Staff offered some text to distinguish between nonhabitable and habitable space in an industrial structure. However, staff has reconsidered this issue and does not recommend exceeding the 40-foot building height restriction for the upper portion of an otherwise habitable building.

Policy 4.1B.2(g), as proposed, prevents truck traffic entering or exiting from the 499-acre property onto SW 96th Street, a minor arterial. Staff recommends that the language be revised to prohibit all traffic from the industrial uses be prohibited:

(g) All traffic generated by the Industrial future land use category shall be prohibited from entering or exiting the subject property from SW 96th Street.

Conclusion:

- Staff recommends approval of the changes to the Figure 4-2, Urban Service District; 11-1, Areas Currently Served by Regional Utilities; and 11-2, Potential Service Areas. These changes will decrease the Primary Urban Service District by 250 acres and show a Freestanding Urban Service District of 250 acres. These changes are also consistent with the proposed changes to the Future Land Use Map considered in CPA 19-6.
- Staff recommends approval of the proposed changes to Policy 4.13A.10, *Industrial development* creating a Freestanding Urban Service District specific to this property. Changes to Policy 4.7A.14 *Allowable development outside the Primary Urban Service District*; Policy 4.7A.3 *Exceptions to location in the Primary Urban Service District*; Policy 4.7A.3.1 are all necessary for internal consistency and to permit the extension of water and sewer service to the Freestanding Urban Service District.
- Staff recommends approval for some of some sub-area policy changes found in Policy 4.1B.2., specifically:
 - In subsection (c) staff recommends alternative text regarding the maximum vehicular trips that site plan approvals may allow.
 - In subsection (d) staff recommends future site plan applications shall be processed as Planned Unit Developments.
 - In subsection (e) staff recommends approval.
 - In subsection (f) staff cannot recommend approval of the text, as proposed.
 - In subsection (g) staff recommends alternative text prohibiting all traffic from entering or existing the property from SW 96th street.